



California Regional Water Quality Control Board

Los Angeles Region



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Arnold Schwarzenegger
Governor

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

NOTICE OF HEARING

TO: Any Interested Person

FROM: California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

DATE: February 15, 2006

SUBJECT: Notice of Regional Board Hearing to Consider Implementation Plans and Schedules to Achieve the Santa Monica Bay Beaches Bacteria Wet Weather TMDL and Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL

This notice is to advise any interested person that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will hold a public hearing on April 6, 2006, beginning at 9:00 AM. Under consideration are five Board resolutions to support the efforts of responsible jurisdictions and agencies to utilize an integrated water resources approach to achieve compliance with the Santa Monica Bay Beaches Bacteria Wet Weather TMDL and the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL.¹ The location of the public hearing is to be determined and will be posted on the website of the Regional Board at:
<http://www.waterboards.ca.gov/losangeles/html/meetings/meetings.html>.

Copies of the tentative Board resolutions along with supporting documentation are available on the website of the Regional Board at: <http://www.waterboards.ca.gov/losangeles/html/bpaRes/bpa.html>. Available documentation includes:

- Final implementation plans for each "Jurisdictional Group" (defined below),
- Comments from Regional Board staff on each of the draft implementation plans, and
- Agencies' responses to the comments of Regional Board staff.

Hard copies of the implementation plans are also available for review at the Regional Board offices. To review the implementation plans in person, please contact Theresa Rodgers at (213) 576-6789 or via e-mail at trodgers@waterboards.ca.gov.

Changes to the tentative resolutions consistent with the general purpose of the resolutions and complementary to the proposals may be made at the hearing as a logical outgrowth. The Regional Board

¹ The Regional Board will not take actions to amend either the Basin Plan or the two TMDLs at this hearing. The Regional Board has committed to reconsidering certain elements of the TMDLs through the basin plan amendment process in 2007.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

will consider the tentative resolutions after hearing staff's presentation, presentations by responsible jurisdictions and agencies for each Jurisdictional Group, and public comments.

The Regional Board is soliciting comments on the tentative resolutions and supporting documents. Specifically, the Regional Board will be considering three questions for each implementation plan.

- Does the implementation plan clearly demonstrate the intent to pursue an integrated water resources approach as defined in the TMDLs?
- Is there a clear demonstration in the implementation plan for the proposed implementation schedule?
- Is it reasonable to expect that the early commitments set forth in the implementation plans are likely to result in significant progress toward achieving reductions in the number of exceedance days at beaches in the early stages of implementation?

In order to be fully considered by the Regional Board, written comments and exhibits must be submitted to the Regional Board no later than 5:00 p.m. on March 17, 2006. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (California Code of Regulations, title 23, section 649.4).

Comments should be submitted to:

California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street
Los Angeles, California 90013

ATTN: Renee Purdy DeShazo

All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing. Please contact Renee Purdy DeShazo at (213) 576-6783 or Rebecca Christmann at (213) 576-6757 if you have any questions.

Background

Many of the beaches along Santa Monica Bay, including Mothers' Beach in Marina del Rey Harbor, were listed on California's 1998 section 303(d) List, due to impairments for coliform or beach closures associated with bacteria generally. The beaches appeared on the 303(d) List because the elevated bacteria and beach closures prevented full support of the beaches' designated beneficial use for water contact recreation (REC-1).

A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order required completion of a TMDL to reduce bacteria at Santa Monica Bay beaches by March 2002 and a TMDL to reduce bacteria in Marina del Rey Harbor, including Mothers' Beach, by March 2003.



The Regional Board adopted two TMDLs to address bacteriological water quality impairments for 44 beaches along Santa Monica Bay located in Los Angeles County, California. The Regional Board adopted a TMDL to address water quality impairments during dry weather on January 24, 2002 and a TMDL to address wet-weather impairments on December 12, 2002 (Resolutions 2002-004 and 2002-022, respectively). On August 7, 2003, the Regional Board adopted a TMDL to address bacteriological water quality impairments in Marina del Rey Harbor, including Mothers' Beach, also located in Los Angeles County, California (Resolution 2003-012). With each of the TMDLs, the Regional Board incorporated appropriate implementation measures into its Basin Plan.

The Regional Board established the above-mentioned TMDLs to preserve and enhance the water quality at Santa Monica Bay beaches and for the benefit of the 55 million beachgoers, on average, that visit these beaches each year. At stake is the health of swimmers and surfers and associated health costs as well as sizeable revenues to the local and state economy. Estimates are that visitors to Santa Monica Bay beaches spend approximately \$1.7 billion annually.

The Regional Board's goal in establishing the above-mentioned TMDLs is to reduce the risk of illness associated with swimming in marine waters contaminated with bacteria. Local and national epidemiological studies compel the conclusion that there is a causal relationship between adverse health effects, such as gastroenteritis and upper respiratory illness, and recreational water quality, as measured by bacteria indicator densities. The water quality objectives on which the TMDL numeric targets are based will ensure that the risk of illness to the public from swimming at Santa Monica Bay beaches generally will be no greater than 19 illnesses per 1,000 swimmers, which is defined by the USEPA as an "acceptable health risk" in marine recreational waters.

Together, the TMDLs cover 45 beaches and 30 subwatersheds, with multiple jurisdictions and agencies that are responsible for compliance. Therefore, for implementation planning the Regional Board grouped the subwatersheds into Jurisdictional Groups. Each Jurisdictional Group is comprised of one or more subwatersheds, the beach(es) associated with these subwatersheds, and all responsible jurisdictions and agencies within the subwatershed(s). Nine Jurisdictional Groups are defined in the Santa Monica Bay Beaches Bacteria Wet-Weather TMDL, while one Jurisdictional Group is defined in the Marina del Rey Harbor Mothers' Beach and Back Basins TMDL. Per TMDL requirements, each Jurisdictional Group was required to submit to the Regional Board a written report outlining how the responsible jurisdictions and agencies intend to cooperatively achieve compliance with the TMDLs. Responsible agencies were required to include in the report implementation methods, an implementation schedule and proposed milestones.

During the adoption of the TMDLs, the Regional Board recognized two broad approaches to implementing the TMDLs. One possible approach is an integrated water resources approach that takes a holistic view of regional water resources management by integrating planning for future wastewater, storm water, recycled water, and potable water needs and systems; focuses on beneficial re-use of storm water, including groundwater infiltration, at multiple points throughout a watershed; and addresses multiple pollutants for which Santa Monica Bay or its watershed are listed on the CWA section 303(d) List as impaired. The other possible approach is a non-integrated water resources approach in which implementation is achieved by focusing on narrowly tailored, end-of-the-pipe regional solutions to improve bacteriological water quality without incorporating other environmental and public goals.

The Regional Board recognized that an integrated water resources approach not only provides water quality benefits to the people of the Los Angeles Region, but also that the responsible jurisdictions implementing



these TMDLs can serve a variety of environmental and public purposes by adopting an integrated water resources approach. An integrated water resources approach will address multiple pollutants, and as a result, responsible jurisdictions can recognize cost-savings because capital expenses for the integrated approach will implement several TMDLs that address pollutants in storm water. In addition, jurisdictions serve multiple roles for their citizenry, and an integrated approach allows for the incorporation and enhancement of other public goals such as water supply, recycling and storage; environmental justice; parks, greenways and open space; and active and passive recreational and environmental education opportunities.

The Regional Board acknowledged that a longer timeframe is reasonable for an integrated water resources approach because it requires more complicated planning and implementation such as identifying markets for the water and efficiently siting storage and transmission infrastructure within the subwatersheds to realize the multiple benefits of such an approach. Therefore, the Regional Board included in the TMDLs implementation provisions to allow for a longer implementation schedule (*up to 18 years*) if the responsible jurisdictions and agencies clearly demonstrate their intention to undertake an integrated water resources approach and justify the need for a longer implementation schedule. In contrast, the Regional Board required a shorter implementation schedule (*up to 10 years*) for non-integrated approaches because the level of planning is not as complicated. The implementation provisions of the TMDLs state that the final implementation schedule will be determined on the basis of the implementation plans submitted to the Regional Board.

Discussion of Implementation Plans

Per the requirements set forth in the TMDLs, responsible jurisdictions and agencies for each Jurisdictional Group² submitted draft implementation plans to the Regional Board. In several cases, two Jurisdictional Groups chose to pool efforts and develop a joint implementation plan. In total, five (5) implementation plans were submitted.

- Jurisdictional Groups 1 and 4 submitted one implementation plan for the subwatersheds and associated beaches in the northern part of Santa Monica Bay,³
- Jurisdictional Groups 2 and 3 submitted one implementation plan for the central part of Santa Monica Bay,⁴
- Jurisdictional Groups 5 and 6 submitted one plan for the southern part of the Bay,⁵

² Implementation plans were not submitted for the Ballona Creek or Malibu Creek subwatersheds, since these subwatersheds have individual bacteria TMDLs under development. These individual TMDLs will be developed to meet downstream requirements set forth in the Santa Monica Bay Beaches Bacteria TMDLs. Requirements for submittal of implementation plans for these subwatersheds will be included in these individual TMDLs.

³ Jurisdictional Groups 1 and 4 include 17 subwatersheds (Arroyo Sequit, Nicholas, Los Alisos, Encinal, Trancas, Zuma, Ramirez, Escondido, Latigo, Solstice, Corral, Carbon, Las Flores, Piedra Gorda, Pena, Tuna, and Topanga). Participating responsible jurisdictions and agencies include the County of Los Angeles, City of Malibu and the California Department of Transportation (Caltrans).

⁴ Jurisdictional Groups 2 and 3 include seven (7) subwatersheds (Castlerock, Dockweiler, Venice Beach, Pulga Canyon, Santa Monica Canyon, Santa Ynez Canyon and Santa Monica). Participating responsible jurisdictions and agencies include the Cities of Los Angeles, Santa Monica and El Segundo, County of Los Angeles and California Department of Transportation (Caltrans).



- Jurisdictional Group 7 submitted one plan for the Palos Verdes Peninsula,⁶ and
- Responsible jurisdictions and agencies in the Marina del Rey subwatershed submitted one plan.⁷

Regional Board staff met individually with key responsible jurisdictions and agencies in the Jurisdictional Groups to review and provide comments on the draft implementation plans. Regional Board staff also provided written comments on four of the draft implementation plans. The responsible jurisdictions and agencies made some revisions to the plans based on Regional Board staff comments and submitted final implementation plans to the Regional Board as required by the TMDLs.

Board staff recommends that the Regional Board support the efforts of the responsible jurisdictions and agencies to develop detailed implementation plans to achieve TMDL requirements. Each Jurisdictional Group has worked diligently to develop a plan that will significantly improve or maintain water quality and, thus, public health at the beaches along Santa Monica Bay, including Marina del Rey Harbor.

To the extent feasible, four of the implementation plans incorporate actions that promote an integrated water resources approach to meeting TMDL requirements while achieving other water quality improvements and public goals. Because of the time necessary to plan, design and construct structural solutions and to widely implement programmatic solutions, the four plans propose to achieve final compliance by 2021, 18 years after the effective date of the Santa Monica Bay Beaches Bacteria Wet-Weather TMDL. Jurisdictional Group 7, which encompasses the coastal drainages of the Palos Verdes Peninsula, proposes a non-integrated approach to implementation in its plan, since the beaches along the Palos Verdes Peninsula already meet TMDL requirements (i.e. existing bacteriological water quality conditions are the equivalent of compliance with the TMDL).

Due to scientific uncertainties regarding the performance of the implementation actions proposed in the plans, in most cases the Jurisdictional Groups have proposed a phased, iterative-adaptive approach to implementation.⁸ This is consistent with the philosophy behind the implementation schedule and interim milestones set forth in the Santa Monica Bay Beaches Bacteria Wet Weather TMDL. Regional Board staff understood that Jurisdictional Groups would need the flexibility to prioritize implementation actions

⁵ Jurisdictional Groups 5 and 6 include two subwatersheds (Redondo and Hermosa). Participating responsible jurisdictions and agencies include the Cities of Redondo Beach, Manhattan Beach, Hermosa Beach, El Segundo and Torrance, County of Los Angeles and California Department of Transportation (Caltrans).

⁶ Participating responsible jurisdictions and agencies in Jurisdictional Group 7 include the Cities of Rancho Palos Verdes, Los Angeles, Palos Verdes Estates, Redondo Beach, Rolling Hills, Rolling Hills Estates and Torrance, County of Los Angeles and California Department of Transportation (Caltrans).

⁷ Participating responsible jurisdictions and agencies in the Marina del Rey subwatershed include the County of Los Angeles, Cities of Los Angeles and Culver City, and California Department of Transportation (Caltrans).

⁸ The exception to this approach is Jurisdictional Group 7, which covers the Palos Verdes Peninsula. Existing water quality at the beaches along the Palos Verdes Peninsula is better than that of the reference site at Leo Carrillo Beach, therefore, Jurisdictional Group 7 is only required to maintain existing water quality. No reductions in exceedance days at the beaches are required. As a result, the implementation plan for Jurisdictional Group 7 mainly includes monitoring and source identification if a water quality problem arises.

geographically and to pilot implementation actions during the early stages of implementation to determine their feasibility and effectiveness.

Because of the iterative, adaptive nature of the implementation plans, Board staff recommends that the Regional Board require that Jurisdictional Groups submit to the Board regular reports on progress toward plan implementation and improvements in water quality. Reports on progress toward compliance with the TMDL should include data and information on (1) water quality improvements in the receiving water, including reductions in exceedance days compared to historical data and interim milestones, where appropriate; (2) the effectiveness of BMPs implemented as part of the implementation plan measured in terms of water quality improvement and quantity of wet weather runoff captured, treated, or infiltrated; and (3) the performance of other programmatic solutions, source identification activities and source control measures. Given the iterative approach outlined in the implementation plans, reports should also include documentation on changes and refinements to the implementation plans based on the results of shoreline monitoring data, data on BMP effectiveness, and evaluations of pilot projects and other implementation actions under consideration.

Board staff also recommends that the Regional Board incorporate into the Los Angeles County Municipal Separate Storm Sewer System (MS4) NPDES permit at reissuance specific provisions to reopen the TMDL section of the permit and incorporate TMDL-related provisions as well as additional implementation actions, including but not limited to institutional controls, source identification and control, and structural and treatment controls if adequate progress is not being made to achieve compliance with TMDLs.

Finally, because of the uncertainties regarding whether the implementation plans as proposed will be able to achieve final compliance with the TMDLs, Board staff recommends that the Regional Board direct responsible jurisdictions and agencies to begin feasibility studies and planning for regional solutions to managing wet weather runoff and bacteria loading early in the implementation schedule in order to ensure sufficient time to refine and redirect implementation activities if necessary to include regional solutions and still achieve the final compliance deadline of 2021.

